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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,796	09/01/1999	CATHERINE CHRISTENSEN	ST9-99-084	3026

26381 7590 01/16/2002

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EXAMINER

NGUYEN, THOMAS T

ART UNIT PAPER NUMBER

2173

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

# Office Action Summary

Application No.  
09/387,796

Applicant(s)  
Christensen et al.

Examiner  
THOMAS T. NGUYEN

Art Unit  
2173



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

Art Unit: 2173

## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because "A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. However, it is important that the abstract not exceed 250 words in length. Correction is required. See MPEP § 608.01(b).

### *Double Patenting*

Claims 1-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of copending Application No. 09-387,795 because the examiner has carefully considered each of the independent /dependent claims with a small certain notable but not patentably distinct differences. This indeed conflicts with each of pending claims, for example while all the independent claims in this application are seek broader its scope by discloses general subjects matter regarding "visualizing graphic symbol having a specified pattern" with " *color attributes*

Art Unit: 2173

for said graphic symbol” displaying in a windows system. Although, the conflicting claims are not identical, they are not patentably distinct from each other since the US. Application No. 09-387,795 has claimed similarity “visualizing graphic symbol having a specified pattern” with “*watermark* for said graphic symbol” to be displaying in a window system.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. U.S Patent No. 5,933,143 and Planas et al. U.S Patent No. 6,112,015*

As per claim 1: Kobayashi discloses a computer-based method of visually delineating lineage between related graphical objects (Figs.16-17, Abstract, Summary) and teaches following:

create unit for creating a graphic symbol, said graphic symbol having a specified pattern, and associating it with at least a first graphical object (Fig.5, col.3 line 55-59); designating one or more attributes for the graphic symbol (claim 1); displaying one or more related graphical

Art Unit: 2173

objects (Figs.16-17); and retaining said created graphic symbol, its specified pattern within one or more displayed related graphical objects (Figs.16-17, Abstract, Summary).

However, Kobayashi does not specifically teach color attributes wherein the objects are recognizable as related to the first objects by the persistence of said specified graphic symbol pattern. On the other hand, it is well known in the art that the graphic symbol (icon) can be associated with color attributes. For instance, Planas teaches a created graphic symbol (icon) is defining a unique attribute representative of each base state, the attribute being unique independent of colour; that graphically displayed transparently / translucently over a map of familiar geography for improved recognition ( Fig.4c).

Therefore, *it would have been obvious to one of ordinary skill in the relevant art at the time of invention was made to use* Planas's graphical symbol (icon) having unique color attributes with Kobayashi 's system because this would improves a user's ability to understand/ visually indicating the relationships and groupings of window objects the displayed information, and effectively enhance user viewing/ operating in a complex relationship of graphical objects of GUI environment.

As per claims 2-3: Regarding created graphic symbol, its specified pattern and color attributes is retained within a visible portion of one or more related objects. Planas explicitly teaches "colours are selectable by the network administrator. When they are created they are preferably translucent, having a muted colour such as grey-brown, grey-green, or grey-blue so as not to conflict with any of the alarm colours" (col.6 line 65-67, FIG. 4c).

Art Unit: 2173

As per claim 4: Kobayashi teaches the first and one or more of said related objects are located within a single graphical user interface (Figs.16-17).

As per claim 5: Planas inherently teaches the graphic symbol and persistence of color between said first and second objects provides user assistance when traversing a series of graphical templates ” The bubble modifier icon and the basic icon are also coloured to draw attention to them, and to reflect the severity of the alarm, where the colours yellow, orange and red are used to indicate increasing severities minor, major, and critical respectively and the use of container icons improves a user's ability to understand these complex relationships and groupings“ (col.12 line 20-30, Fig.12)

As per claim 6: Kobayashi discloses the group of related objects comprise any of graphical such as toolbars, rulers, wizards, title bars, tables, templates, and icons (col.4 line 14-19, Figs.16-17).

As per claim 7: Recite claim 1, Planas teaches the relationship between first and other object by the persistence of said icon and color scheme (col.5).

Regarding claims 8-22 are recited similarity features from claims 1-7 and they are believed to be reject for the same reasons as indicated.

#### **Prior Art**

The *Prior Art* made of record and not relied upon is considered pertinent to applicant's disclosure

US patents: 5,050,105 6,225,997 5,651,107 5,261,044 5,226,117 6,020,888

Art Unit: 2173


### Conclusion

Any inquiry concerning this communication or earlier communications should be directed to the Patent Examiner **Thomas Nguyen**, whose telephone number is (703) 308-7240 (Monday to Friday 10:30 - 7:00 ET) or *John W. Cabeca* Supervisory Patent Examiner (703) 308-3116.

Other inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and Official-Fax number (703) 746-7239 for After Final (703) 746-7238. Please label properly on the cover page of facsimile communications.

Thomas T. Nguyen

January 09, 2002



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
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